

**GUIDANCE ON NOTIFYING PARENTS WHEN A STUDENT HAS BEEN
BULLIED BASED ON
SEXUAL ORIENTATION OR GENDER IDENTITY/EXPRESSION:
IMPLEMENTATION OF 603 CMR 49.05**

The bullying intervention and prevention statute, G.L. c.71, §37O, as added by Chapter 92 of the Acts of 2010, requires school officials to notify the parents or guardians of an aggressor and victim when bullying has occurred. The following guidance is issued to assist school officials in implementing this requirement, which is further addressed at Section 49.05 of the Notification of Bullying or Retaliation Regulations. 603 CMR 49.00¹ It highlights considerations and concerns unique to notifying the parent or guardian² of a student who has been bullied due to perceived or actual sexual orientation or gender identity/expression.³ Bullying related to perceived sexual orientation and gender identity/expression may be directed toward students, regardless of how they identify.⁴

This document is informed by research⁵ showing that lesbian, gay, bisexual, and transgender (LGBT) youth with high levels of family acceptance have significantly higher levels of self-esteem and better overall health, compared with LGBT youth with low levels of family acceptance. LGBT youth with highly rejecting parents are more than eight times as likely to report suicide attempts, and nearly six times as likely to report high levels of depression. Given these findings, it is likely that LGBT students with rejecting parents will respond differently from LGBT students with accepting parents when they learn that their parents will be notified that they are victims of bullying related to sexual orientation or gender identity/expression. These findings and considerations have critical implications for how LGBT students and their families are served in our schools. They also underscore the importance of professional development concerning LGBT students and the significance of parental acceptance in fostering their well-being.

In addition, school officials should remember that parents of LGBT students may not be

¹ The regulations may be found at <http://www.doe.mass.edu/lawsregs/603cmr49.html>

² Hereafter, the word “parent” will be used to refer to “parent or guardian.”

³ “Gender identity” generally refers to a person's inner sense of being male or female. There are some people who feel their assigned sex at birth is not consistent with their gender identity. “Gender expression” refers to how a person expresses their gender identity, or the cues people use to identify another person's gender.

⁴ The average age of identification of sexual orientation, for both males and females, is about age 14. D’Augelli, A.R., Grossman, A.H., & Starks, M.T. Gender Atypicality and Sexual Orientation Development among Lesbian, Gay, and Bisexual Youth: Prevalence, Sex Differences, and Parental Responses, *Journal of Gay & Lesbian Psychotherapy*, in press.

⁵Ryan, C., Russell, S.T., Huebner, D., Diaz, R., & Sanchez, J. (2010). Family acceptance in adolescence and the health of LGBT young adults. *Journal of Child and Adolescent Psychiatric Nursing*, 29 (4), 205-213; Ryan, C., Huebner, D., Diaz, R. M., & Sanchez, J. (2009). Family rejection as a predictor of negative health outcomes in white and Latino lesbian, gay and bisexual young adults. *Pediatrics*, 123 (1): 346-352.

aware of their child's sexual orientation or gender identity/expression. In such cases, students may have grave concerns about their parents' response to learning that they have been targets of bullying related to sexual orientation or gender identity/expression, and feel that this information should not be shared with their parents. Among other things, this means that LGBT students who fear disclosure of their sexual orientation or gender identity/expression to their parents will be much less likely to report that they have been bullied, or to willingly participate in bullying investigations reported by others about them.

It is important to consider that even heterosexual students who are targeted based on perceived sexual orientation or gender identity/expression might be concerned about their parents learning the homophobic nature of the bullying they experience, especially if students consider their parents to hold negative attitudes toward sexual or gender minorities. Finally, whether their child is LGBT or heterosexual, parents may not be prepared to provide adequate, appropriate, or effective support for their children who experience homophobic victimization, and may feel uncomfortable discussing a child's sexual orientation or gender identity/expression.

School officials' awareness of and sensitivity to these issues, and their ability to respond with appropriate resources, is critical to supporting students' safety and well-being.

The Notification Process

Given the special circumstances of a bullying incident involving actual or perceived sexual orientation or gender identity/expression, the Department recommends that districts: 1) designate a staff person who is proficient in these topics, and 2) design an appropriate parental notification process for these situations. School officials should be aware that reporting the details of a bullying incident might inadvertently disclose the sexual orientation or gender identity/expression of an LGBT student to his/her parents or to the public. Unintended consequences, such as familial rejection or family conflict, should be considered.

The notification process should include development of a notification plan in consultation with the student, guidance staff, and the above-mentioned designated person (if not part of the guidance staff). The plan should include a discussion of the content and process for notifying the student's parents, informed by an assessment of the student's safety, along with relevant research and resources that may be offered to support the student and his or her family.⁶ As much as possible, if a parent is unaware of an LGBT student's sexual orientation or gender identity/expression, the student should be supported in his or her decision to disclose his or her sexual orientation or gender identity/expression to family members on his or her own terms.

As in any case when particularly sensitive information is shared, the Department strongly recommends that school officials discuss details of the bullying incident with parents in

⁶ A resource list is available on the Department of Elementary and Secondary Education's website (<http://www.doe.mass.edu/bullying/>).

person. School officials should use their discretion in discussing the incident and avoid sharing information that might endanger the mental or physical health and safety of the student. Where the student has not disclosed his or her sexual orientation or gender identity/expression to his or her parents and the student believes he or she may be at risk if it is disclosed, to the extent possible, discussion should focus on facts regarding the student's involvement as a target or aggressor and on safety planning, not on information that reveals the actual or perceived gender identity or sexual orientation of the student. As in all bullying incidents, school officials should offer resources and support to the student and family.

Communicating in the Primary Language of the Home

Since the principal or designee is required to notify parents promptly, the initial communication with parents will most likely take place by telephone. As noted earlier, whenever possible, a detailed discussion should take place in person, particularly if the victim is an LGBT student, and the parent is unaware of the student's sexual orientation or gender identity/expression. School officials should not ask students to serve in the role of interpreter with their parents or in situations involving family members such as siblings and cousins. Schools and districts should identify school employees and independent interpreters as needed, who may be trained in all aspects of this guidance and confidentiality requirements, to provide this service.

Sexual orientation and homophobic bullying can have distinct cultural meanings for different racial/ethnic/immigrant groups. For example, in some cultures, the concept of identifying as LGBT or experiencing homophobic victimization may be difficult to translate or describe. Attitudes toward sexual orientation, gender identity, and gender expression are heavily influenced by cultural and social norms. In situations involving these issues, it is even more important that the notification process be conducted with forethought and discretion.

Responding to bullying in a manner that builds safe and supportive environments for all students is a complex and challenging task. If you have questions about the guidance provided in this document, please contact Learning Support Services via achievement@doe.mass.edu or 781-338-3010 for assistance.

APPENDIX

G.L. c. 71, §37O:

<http://www.malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section37O>

§37(O)(d) states in part:

Each school district, charter school, non-public school, approved private day or residential school and collaborative school shall develop, adhere to and update a plan to address bullying prevention and intervention... .

Each plan shall include...(viii) procedures consistent with state and federal law for promptly notifying the parents or guardians of a victim or perpetrator;... .”

...

The department shall promulgate rules and regulations on the requirement related to a principal’s duties under clause (viii) of the second paragraph of this subsection.

...

49.05 Notice to Parents

<http://www.doe.mass.edu/lawsregs/603cmr49.html>

Regulations:

- 1) Upon investigation and determination that bullying or retaliation has occurred, the principal shall promptly notify the parents of the target and the aggressor of the determination and the school district or school’s procedures for responding to the bullying or retaliation. The principal shall inform the target’s parent/guardian of action that school officials will take to prevent further acts of bullying or retaliation. Nothing in this provision prohibits the principal from contacting a parent of a target or aggressor about a report of bullying or retaliation prior to a determination that bullying or retaliation has occurred.*
- 2) Notice required by 603 CMR 40.05 shall be provided in the primary language of the home.*
- 3) Each school district and school shall include the requirements and procedures for communication with the parents of the aggressor and target of bullying or retaliation in the local plan.*
- 4) A principal’s notification to a parent about an incident or a report of bullying must comply with confidentiality requirements of the Massachusetts Student Record Regulations, 603 CMR 23.00 and the Federal Family Educational Rights and Privacy Act Regulations, 34 CFR Part 99, as set forth in 603 CMR 49.07.*